

Proceedings of the City Council of the City of Huntsville, Alabama

at its Regular Meeting held November 15, 2012

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Revised: 11-12-12, 2:00 p.m.

AGENDA FOR THE HUNTSVILLE CITY COUNCIL REGULAR MEETING  
TO BE HELD NOVEMBER 15, 2012 AT 6:00 P.M.  
IN THE CITY COUNCIL CHAMBERS

CALL TO ORDER.

ABSENT: CULVER AND SHOWERS

1. INVOCATION.

~~Pastor C. Curtis Eason~~  
Antioch Baptist Church

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF MINUTES

- a. Regular Meeting held November 1, 2012.  
(Minutes Received)

4. RESOLUTIONS AND SPECIAL RECOGNITIONS.

- a. Mayor.

- 12-982 1. Resolution designating the Month of November 2012 as American Indian Heritage Month. UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
2. Check presentation to the Liz Hurley Fund at Huntsville Hospital. (Huntsville Fire and Rescue) \$20,000 Check presented to Liz Hurley Fund.

- b. Council.

1. Adoption and Presentation.

- 12-983 a. Resolution honoring Alta Ann Morrison upon her retirement after 43 years of outstanding professional service in education and 8 years on the Board of Education-District Five, totaling 51 years dedicated to children and parents she holds so dear. (Culver/Showers) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

- 12-984 b. Resolution honoring Nick and Sherry Mikus, owners of Nick's Ristorante and Cigar Bar, selected as one of the Five Best Steakhouses in Alabama and the only one chosen in North Alabama. (Olshefski/Kling) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

2. Adoption Only.

- c. Other Special Recognitions.

- d. Announcements.

- a. Announcement by Bill Yell, Communications Director, Huntsville

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Utilities. (Council)

5. BUSINESS WITH OUTSIDE LEGAL REPRESENTATION.

6. PUBLIC HEARINGS.

a. Public hearings to be held.

12-860 1. Public hearing on Ordinance 12-860 zoning newly annexed property lying on the north side of Mohawk Road and west of Taylor Road to ~~Residence 1-A District (Set October 11, 2012 Regular Council Meeting)~~ (Planning) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

12-862 2. Public hearing on Ordinance 12-862 zoning newly annexed property lying on the south side of Hartside Road and west of Taylor Road to Residence 1-A District. (Set October 11, 2012 Regular Council Meeting) (Planning) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

12-864 3. Public hearing on Ordinance 12-864 rezoning property lying east of Little Cove Road and east of Pasture View Lane from Residence 1-B District to Residence 2 District. (Set October 11, 2012 Regular Council Meeting) (Planning) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

12-985 4. Public Hearing for suspension of licensure for Garden Cove Produce Center, Inc. (Set November 1, 2012 Regular Council Meeting) (Clerk-Treasurer) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

12-986 5. Public Hearing for suspension of licensure for Ver Kay Pin Corporation. (Set November 1, 2012 Regular Council Meeting) (Clerk-Treasurer) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

12-987 7. Public hearing on a Resolution authorizing the City Clerk Treasurer to assess the cost of the cutting and removing of grass and weeds against certain properties. (Community Development) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

b. Public hearings to be set.

7. COMMUNICATIONS AND REPORTS.

a. Communications from the Public.

b. Reports

8. HUNTSVILLE UTILITIES ITEMS.

9. BOARD APPOINTMENTS.

a. Board Appointments to be voted on.

b. Board Appointment Nominations

a. Nomination of Waymon Burke for appointment to the Beautification

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Board for a term to expire October 1, 2015. (Kling)

- b. Nomination of Charles (Chuck) Saunders for appointment to the Huntsville Ice Skating Board of Control for a term expiring November 20, 2015.

10. APPROVAL OF EXPENDITURES.

- 12-988 a. Resolution authorizing expenditures for payment. (Finance Committee)  
UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

- b. Finance Committee Report.

11. COMMUNICATIONS FROM THE MAYOR.

Mayor Battle appointed Vince Dickens to the Planning Commission of the City of Huntsville for a term to expire October 26, 2015.

12. COMMUNICATIONS FROM COUNCIL MEMBERS.

Councilman Bill Kling  
Councilman Richard Showers, Sr.- ABSENT  
Councilman John Olshefski  
Councilman Will Culver - ABSENT  
Councilman Mark Russell

13. UNFINISHED BUSINESS ITEMS FOR ACTION.

14. NEW BUSINESS ITEMS FOR INTRODUCTION.

- 12-989 a. Introduction of an ordinance to add Section 22.16 (Leadership Development Program) to Ordinance 04-315 (Personnel Policies and Procedures Manual). (Human Resources)

15. NEW BUSINESS ITEMS FOR CONSIDERATION OR ACTION.

- 12-990 a. Resolution authorizing the acceptance of a grant from the Alabama Department of Homeland Security (2FIL) in the amount of \$6,233.00. (Emergency Management) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

- 12-991 b. Resolution authorizing the acceptance of a grant from the Alabama Department of Homeland Security (2FIL) in the amount of \$12,703.00. (Emergency Management) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

- 12-992 c. Resolution authorizing the acceptance of a grant from the Alabama Department of Homeland Security (2LEL) in the amount of \$25,000.00. (Emergency Management) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

- 12-993 d. Ordinance to declare certain computer equipment as obsolete and allowing it to be sold at public auction. (ITS) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

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- 12-914 e. Resolution authorizing the Mayor to enter into an agreement with the low bidder, Miller & Miller, Inc., for Holmes Avenue & Washington Street Streetscape Improvements, Options #1, #3, #4, #5, and #6, Project No. 65-12-SP31. (Engineering) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-995 f. Resolution authorizing the Mayor to amend the contract with Miller & Miller, Inc. for Aldridge Creek Greenway, Phase IV, Base Bid and Option #1, Project No. 65-09-WP05, by Change Order No. 1. (Engineering) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-996 g. Resolution authorizing the Mayor to amend the contract with APAC Mid-South, Inc. for U.S. Highway 72 West and Promenade Parkway Improvements, Project No. 65-07-TI01, by Change Order No. 1. (Engineering) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-997 h. Resolution authorizing the Mayor to enter into an agreement with the low bidder, Miller & Miller, Inc., for Redstone Gateway Package I-Lake F, Package I-4 Concrete Box Culverts, Project No. 65-12-SP23. (Engineering) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- DELETED i. ~~Resolution authorizing the Mayor to enter into an agreement with the low bidder, Taylor Electric, Inc., for Redstone Gateway Package I-Lake F, Package I-3 Electrical Substation and Distribution System Demolition, Project No. 65-12-SP23. (Engineering)~~ **DELETED**
- 12-998 j. Resolution authorizing the Mayor to enter into an agreement with Garver L.L.C. for Engineering Construction Administration Services for Sanitary Sewer Rehabilitation Construction Observation Services, Project No. 65-13-SP03. (Water Pollution Control) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-999 k. Resolution authorizing the City Attorney to settle the claim of Gary Hopkins. (City Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1000 l. Resolution authorizing the Clerk-Treasurer to invoke CB&S Bank Letter of Credit No. 555579 for Anslee Farms Phase 1-A Subdivision. (City Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1001 m. Resolution authorizing the Clerk-Treasurer to invoke Regions Bank Letter of Credit No. L071396 for Mountain Cove Subdivision. (City Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1002 n. Resolution authorizing the Clerk-Treasurer to invoke BancorpSouth Bank Letter of Credit No. 367000581608 for Little Mountain Subdivision Phase II. (City Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1003 o. Resolution authorizing the Clerk-Treasurer to invoke Wells Fargo Bank Letter of Credit No. SM229267W for Villages at McMullen Cove Subdivision. (City Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1004 p. Resolution authorizing the Clerk-Treasurer to invoke Renasant Bank Letter of Credit No. 2905 for Bell Grove Manor Subdivision. (City

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- Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1005 q. Resolution authorizing the Clerk-Treasurer to invoke Wells Fargo Bank Letter of Credit No. SM229266W for Old Cove at McMullen Cove Subdivision. (City Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1006 r. Resolution authorizing the Clerk-Treasurer to invoke Travelers Indemnity Company Letter of Credit No. BE0931542 for Stonemark Subdivision. (City Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- ~~12-1014~~ s. Resolution authorizing the Mayor to enter into a contract between the City of Huntsville and Big Spring Partners, Inc. (Administration) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1007 t. Ordinance to amend Budget Ordinance No. 12-768, by changing appropriated funding within various departments and funds. (Finance) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1008 u. Resolution authorizing the acceptance of donations. (Finance) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1009 v. Resolution authorizing the Mayor to execute an agreement with Beason & Nalley, Inc. for the fiscal year 2012 independent audit. (Finance) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1010 w. Resolution authorizing the Mayor to execute a membership agreement with the National Joint Powers Alliance, a procurement organization. (Finance) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1011 x. Resolution authorizing the Mayor to enter into a Cost Reimbursement Agreement with the Northeast Alabama Traffic Safety Office, in the amount of \$30,000, for traffic enforcement duties. (Police) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1015 y. Resolution authorizing the Mayor to enter an agreement between Pearce Construction Company and the City of Huntsville for Change Order #1 (and Final) to the contract for the Goldsmith Schiffman Baseball Fields located at 1210 Taylor Road. (Facilities Projects Management) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1016 z. Resolution authorizing the Mayor to enter into Modification No. 5 to the Supplemental Development Agreement TIF5 - Series 2012-B to Annexation and Development Agreement between the City of Huntsville and LW Redstone Company, LLC as adopted and approved by Resolution No. 12-428 on May 24, 2012. (City Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1012 aa. Resolution authorizing the Mayor to enter into Modification No. 3 to the Supplemental Development Agreement TIF5 - Series 2010-A to Annexation and Development Agreement between the City of Huntsville and LW Redstone Company, LLC as adopted and approved by Resolution No. 10-581 on July 22, 2010. (City Attorney) UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

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- 12-1017 bb. Resolution authorizing the City of Huntsville to enter into an agreement between the City of Huntsville and the Museum Board for the purpose of a temporary outdoor Ice Rink. (Administration)  
UNANIMOUSLY ADOPTED BY MEMBERS PRESENT
- 12-1013 cc. Resolution authorizing the Mayor to execute a Subordination Agreement between the City of Huntsville and CIS Financial Services Corporation with HOME DAP Funds provided to Brian Yount, 3116 Delia Lane Huntsville, Alabama 35810. (Community Development)  
UNANIMOUSLY ADOPTED BY MEMBERS PRESENT

16. LEGAL DEPARTMENT ITEMS/TRANSACTIONS.

a. Vacation of Easements

None.

b. Vacation of rights-of-way

None.

c. Deeds for acceptance

None.

d. Routine bond satisfactions

None.

e. Liquor bond mortgages.

None.

17. NON-ROSTER COMMUNICATIONS FROM THE PUBLIC.

City Council Committee Elections

- a. A member of the Council shall be elected by the Council to serve as its representative to the City of Huntsville Planning Commission. The same member shall serve as the Council's representative to the Metropolitan Planning Commission. JOHN OLSHEFSKI UNANIMOUSLY APPROVED BY MEMBERS PRESENT
- b. A member of the Council shall be elected by the Council to serve as its representative to the Research Park Board. UNANIMOUSLY APPROVED TO HOLD THIS APPOINTMENT TILL NEXT COUNCIL MEETING BY MEMBERS PRESENT
- c. A member of the Council shall be elected by the Council to serve as its representative to the Historic Preservation Commission. RUSSELL UNANIMOUSLY APPROVED BY MEMBERS PRESENT

The Council President shall make appointments and assignments of

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Council members to represent the President and Council on the following boards, committees, and commissions:

1. Top of Alabama Regional Council of Governments  
2 - appointments SHOWERS AND KLING APPOINTED
2. Community Action Agency of Huntsville/Madison and Limestone Counties, Inc. CULVER APPOINTED  
1 - appointment
- ~~3. Advisory Commission on Accessibility~~  
1 - appointment (City Council President or his designee) RUSSELL APPOINTED
4. City of Huntsville Insurance Committee  
2 - appointments KLING AND CULVER APPOINTED
5. Chairperson of the Finance Committee and one other member of the Council as Vice Chairperson of the Finance Committee. KLING AND CULVER APPOINTED

18. ADJOURN.